

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4948 OF 2007

Shikshan Vikas Mandal Deogad & Ors.....	Petitioners.
V/s	
Ajit Pandurang Gogate, Advocate & Ors.....	Respondents.

Mr.P.P.Chavan i/by Mr.V.C.Ghosalkar, Adv. For the petitioners.

Mr.R.S.Desai, Adv. For respondent No.4.

CORAM: A.P.DESHPANDE, J.
5/7/07

PC:

Some of the Managing Committee members of the trust have instituted this petition, taking exception to the order passed by the Assistant Charity Commissioner. The Assistant Charity Commissioner in exercise of powers under section 41A of Bombay Public Trusts Act, 1950 (the "Act") has directed that the election of the managing committee of the Trust be held, as he has concluded that the same was not held though term of the elected body had expired. While directing holding of the election the Assistant Charity Commissioner had also nominated an Inspector from his office as election officer and another person to assist him. Both the persons appointed to conduct the election are from the office of the Assistant Charity Commissioner. Besides issuing said directions the Assistant Charity Commissioner has also ordered an inquiry through an Inspector under section 41B of the Act.

2. Learned counsel for the petitioner has submitted that the petitioners are not averse to holding of election of the governing council of the Trust but in his submission the present petitioners should be permitted to hold election or conduct election process and the same should not be done by officers nominated by the Assistant Charity Commissioner. The very purpose for nominating officers from the office of the Assistant Charity Commissioner is to conduct an impartial election which would enable the Charity Commissioner to hand over reins of the administration to them. Having regard to the fact that there are disputes in the managing committee/governing council of the Trust it would be in fitness of things to let the election be conducted under the supervision of the officers appointed by the Assistant Charity Commissioner. The impugned order does not suffer from any illegality or impropriety. It goes to achieve the purpose of issuing direction for proper administration of the affairs of the Trust. Hence no interference in exercise of writ jurisdiction is called for. Writ petition is summarily dismissed.